

Short Title: Clarifying Bingo License Statute.

A BILL TO BE ENTITLED
AN ACT TO CLARIFY THE BINGO LICENSE STATUTE.

The General Assembly of North Carolina enacts:

SECTION 1. G.S. 14-309.7 reads as rewritten:

"§ 14-309.7. Licensing procedure.

(a) An exempt organization ~~may~~shall not operate a bingo game at a location without a license. Application for a bingo license shall be made to the State Bureau of Investigation on a form prescribed by the Bureau. The Bureau shall charge an annual application fee of two hundred dollars (\$200.00) to defray the cost of issuing bingo licenses and handling bingo audit reports. The fees collected shall be deposited in the General Fund of the State. ~~This~~The license shall expire one year after ~~the granting of the license. This license issuance and~~ may be renewed yearly, annually if the applicant pays the application fee and files an audit with the Bureau pursuant to G.S. 14-309.11. A copy of the application and license shall be furnished to the local law-enforcement agency in the county or municipality in which the licensee intends to operate before bingo is conducted by the licensee.

(b) Each application and renewal application shall contain the following information:

- (1) The name and address of the applicant and if the applicant is a corporation, ~~association~~association, or other similar legal entity, the name and home address of each of the officers of the organization as well as the name and address of the directors, or other persons similarly situated, of the organization.
- (2) The name and home address of each ~~of the members~~member of the special ~~committee~~committee described in G.S. 14-309.10.

(3) A copy of the application for recognition of exemptions and a determination letter from the Internal Revenue Service and the Department of Revenue that indicates that the ~~organization-applicant~~ is an exempt organization and stating the section under which that exemption is ~~granted; except that if granted.~~ If the ~~organization-applicant~~ is a State or local branch, lodge, post, or chapter of a national organization, a copy of the determination letter of the national organization satisfies this requirement.

(4) The location at which the applicant will conduct the bingo games. If the premises are leased, a copy of the lease or rental agreement.

(c) In order for an exempt organization to have a member familiar with the operation of bingo present on the premises at all times when bingo is being played and for this member to be responsible for the receiving, ~~reporting-reporting,~~ and depositing of all revenues received, the exempt organization may pay one member for conducting a bingo game. ~~Such-~~The pay shall be on an hourly basis only for the time bingo is actually being played and shall not exceed one and one-half times the existing minimum wage in North Carolina. The member paid under this ~~provision-subsection~~ shall be a member in good standing of the exempt organization for at least one year and shall not be the lessor or an employee or agent of the lessor. No other person ~~may~~ shall be compensated for conducting a bingo game from funds derived from any activities occurring in, or simultaneously with, the playing of bingo, including funds derived from concessions. An exempt organization shall not contract with any person for the purpose of conducting a bingo game.

(c1) Except as provided in subsection (e) of this section, an exempt organization may hold a bingo game only in or on property ~~owned (either legally or equitably and the buildings must be of a permanent nature with approved plumbing for bathrooms and not movable or of a temporary nature such as a tent or lean-to)~~ owned, either legally or equitably, or leased-leased, but not subleased, by the organization from the owner or bona fide property management agent ~~(no~~

~~subleasing is permitted)~~ agent. The buildings shall be permanent with approved plumbing for
bathrooms and shall not be movable or temporary such as a tent or lean-to. at a total monthly
~~rental in an amount not to~~ The total monthly payment for leased premises shall not exceed one
and one-quarter percent (1 1/4%) of the total assessed ad valorem tax value of the portion of the
building actually used for the bingo games and the land ~~value~~ on which the building is ~~located~~
~~(not to exceed two acres)~~ located; the land shall not exceed two acres. The lease shall be for all
activities conducted ~~therein~~ on the leased premises, including the playing of bingo for a period
of not less than one ~~year~~ year, and the leased premises shall be actually occupied and used by
that organization on a regular basis for purposes other than bingo for at least six months before
the ~~game; and all first game.~~ All equipment used by the exempt organization in conducting the
bingo game ~~must~~ shall be owned by the organization. Unless the exempt organization leases the
property in accordance with this subsection, an exempt organization may conduct a bingo game
only in or on property that is exempt from property taxes levied under Subchapter II of Chapter
105 of the General Statutes, or that is classified and not subject to any property taxes levied under
Subchapter II of Chapter 105 of the General Statutes. It ~~shall be~~ is unlawful for any person to
operate beach bingo games at a location ~~which~~ that is being used by any licensed exempt
organization for the purpose of conducting bingo games.

(d) Conduct of a bingo game or raffle under this Part on ~~such~~ the property ~~shall~~ does not
operate to defeat an exemption or classification under Subchapter II of Chapter 105 of the
General Statutes.

(e) An exempt organization that wants to conduct only an annual or semiannual bingo
game may apply to the State Bureau of Investigation for a limited occasion ~~permit.~~ The State
~~Bureau of Investigation may require such information as is reasonable and permit and shall~~
provide to the Bureau any information necessary to determine that the bingo game is conducted
in accordance with ~~the provisions of this Part but~~ Part. ~~The Bureau may~~ shall not require more
information ~~than previously specified in this section for application of a regular license. for a~~

1 limited occasion permit than it requires for a license under this section. The application shall be
2 made to the Bureau on prescribed forms at least 30 days prior to the scheduled date of the bingo
3 game. In lieu of the reporting requirements of ~~G.S. 14-309.11(b)~~ G.S. 14-309.11(b), the exempt
4 organization shall file with the licensing agency and local law-enforcement a report on prescribed
5 forms no later than 30 days following ~~the conduct of the bingo game~~ for which the permit was
6 obtained. ~~Such~~ The report may require ~~such~~ any information ~~as is reasonable and~~ necessary to
7 determine that the bingo game was conducted in accordance with ~~the provisions of this Part but~~
8 this Part. The report may shall not require more information than specified in G.S. 14-309.11(b).
9 Any licensed exempt organization may donate or loan its equipment or use of its premises to an
10 exempt organization ~~which~~ that has secured a limited occasion permit ~~provided such~~ as long as
11 the arrangement is disclosed in the limited occasion permit application and is approved by the
12 ~~State Bureau of Investigation. Bureau.~~ Except as ~~stated above,~~ provided in this subsection, all
13 provisions of this Part ~~shall~~ apply to ~~any~~ an exempt organization operating a bingo game under
14 this ~~provision~~ subsection."

15 **SECTION 2.** This act becomes effective October 1, 2019, and applies to applications
16 submitted on or after that date.

17 *[Staff Note: The General Statutes Commission recommended a technical correction to this*
18 *statute, which was enacted as S.L. 2017-102, s. 5.1(a). While working on that technical*
19 *correction, staff noticed that much of the language in this statute needs to be cleaned up.]*